



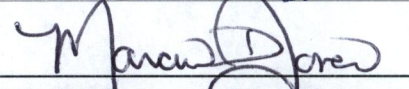
To the Honorable Council
City of Norfolk, Virginia

April 8, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special Exceptions for Commercial Drive-Through, ABC Off-Premises and 24-Hour operation**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager
Ward/Superward: 2/7

Approved: 
Item Number: **R-5**
Marcus D. Jones, City Manager

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** To develop a pharmacy which will operate 24-hours, have a drive-through and sell alcoholic beverages for off-premises consumption (limited hours).
- IV. **Applicant:** CVS by Jason Chinnis – 3717 Hampton Boulevard
- V. **Description**
 - The site is zoned C-2 (Corridor Commercial) which permits the proposed uses by Special Exception.
 - Beer will not be sold in quantities less than 6-packs and wine will be sold by the bottle.
 - There are currently plans for a 20 foot expansion of the right-of-way along this side of Hampton Boulevard to accommodate a sidewalk and the extension of the Elizabeth River Trail.
 - While the property is currently further from Hampton Boulevard than the *Central Hampton Boulevard Area Plan* calls for, with an anticipated future street dedication, the proposed layout will place the building approximately 10 feet from the future property line, locating the building any closer would risk building demolition and increase the future costs incurred by the applicant and City.
 - The site is designed to have delivery traffic enter off Bowdens Ferry Road and exit onto Hampton Boulevard.
 - The proposal will close one of the existing commercial entrances on Bowdens Ferry Road.
 - Considering the C-2 zoning and layout of the site, the proposed layout adequately addresses neighborhood impacts, keeping them to a minimum.
 - Delivery hours should be kept to non-peak hours and should consider the residential neighborhood to the west.
 - The hours for the sale of alcohol are 6:00 a.m. to 12:00 midnight, seven days a week.
- VI. Staff point of contact Ashton Jones at 664-7470, ashton.jones@norfolk.gov
Attachments:
 - Staff Report to CPC dated March 27, 2014 with attachments
 - Proponents and Opponents
 - Ordinance



City of NORFOLK

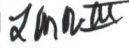
To the City Planning Commission
City of Norfolk, Virginia

March 27, 2014

From:  Ashton Jones,
City Planner II

Subject: For the following Special
Exceptions at 3717 Hampton Boulevard–
CVS:

- a. To operate an Establishment for the Sale of Alcoholic Beverages for Off-Premises Consumption.
- b. To operate a Retail Goods Establishment (operating after midnight).
- c. To operate a Commercial Drive-Through.

Reviewed: Leonard M. Newcomb, III, CFM 
Land Use Services Manager

Ward/Superward: 2/7

Approved:



George M. Homewood, AICP, CFM
Planning Director

Item Number:

C - 1

- I. **Recommendation:** Staff recommends approval for all three Special Exception requests, subject to the conditions proposed, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicants:** CVS by Jason Chinnis -3717 Hampton Boulevard
- III. **Description:**
The applicant is seeking to develop a pharmacy which will operate 24-hours, have a drive-through and sell alcoholic beverages for off-premises consumption (limited hours).
- IV. **Analysis**
The site is located on the southwest corner of Hampton Boulevard and 38th Street.

Plan Analysis

- *plaNorfolk2030* designates the eastern portion of this site as Commercial, the central portion of this site as Multifamily Corridor, and the western portion of this site as Single Family Traditional.
 - These designations were derived from the land use recommendations of the *Central Hampton Boulevard Area Plan*, which envisioned this site being redeveloped, in combination with the school site to the south, as a single mixed-use development

with office, research, and/or retail mixed with multifamily housing fronting Hampton Boulevard and single-family homes fronting Bowdens Ferry Road.

- The *Central Hampton Boulevard Area Plan* envisions the west side of Hampton Boulevard as a transitional boundary between the commercial, civic, and industrial context of the properties to the north and east and the single family residential context of Lamberts Point to the west.
 - It further envisions the civic buildings of the area as being those with prominent and welcoming architecture, encouraging smaller commercial structures to help shape the area's distinctive, active, pedestrian-oriented streetscape.
- The *Central Hampton Boulevard Area Plan* further includes the following specific recommendations:
 - It recommends defining the street edge by placing buildings close to the street, providing two-story facades along the street frontage, locating active uses – with 60% transparent glazing and no more than 20 horizontal feet of façade area uninterrupted by glazing – along the first floor, and by providing retail entrances from the sidewalk.
 - It recommends that new commercial buildings be sensitive to the adjacent single family residential uses by matching their vertical and horizontal scale.
 - It recommends reducing the exposure of parking to public streets by locating parking behind buildings or by screening parking areas adjacent to public streets with fencing or plantings up to four feet in height.
 - It recommends installing street trees and planting areas between Hampton Boulevard and the uses lining it.
- The proposed use is consistent with the general land use recommendations of *plaNorfolk2030* and the *Central Hampton Boulevard Area Plan*, specifically addressing the following plan recommendations:
 - The proposal provides ample parking lot screening along the 38th Street and Bowdens Ferry Road frontages.
 - The proposal aligns the building at the sidewalk along 38th Street and at the future sidewalk location along Hampton Boulevard.
 - The proposal provides more than 60% transparency along the 38th Street frontage.
 - The proposal provides multiple pedestrian entrances, including one at the corner of Hampton Boulevard and 38th Street.
- The proposal fails to address the following plan recommendations:
 - The proposal provides less than 60% transparency along the Hampton Boulevard frontage.
 - The proposal includes a horizontal section of façade along the Hampton Boulevard frontage uninterrupted by glazing that exceeds 20 feet.
- While the proposal fails to meet some recommendations of the *Central Hampton Boulevard Area Plan*, given that the proposal meets the majority of the plan's recommendations, including significantly addressing the 38th Street frontage and the parking to the rear of the building, approval is recommended.

Zoning Analysis

- The site is zoned C-2 (Corridor Commercial) which permits the proposed uses by Special Exception.
- Beer will not be sold in quantities less than 6-packs and wine will be sold by the bottle.
- There are currently plans for a 20 foot expansion of the right-of-way along this side of Hampton Boulevard to accommodate a sidewalk and the extension of the Elizabeth River Trail.
 - While the property is currently further from Hampton Boulevard than the *Central Hampton Boulevard Area Plan* calls for, with an anticipated future street dedication, the proposed layout will place the building approximately 10 feet from the future property line, locating the building any closer would risk building demolition and increase the future costs incurred by the applicant and City.
- The site is designed to have delivery traffic enter off Bowdens Ferry Road and exit onto Hampton Boulevard.
 - The proposal will close one of the existing commercial entrances on Bowdens Ferry Road.
 - Considering the C-2 zoning and layout of the site, the proposed layout adequately addresses neighborhood impacts, keeping them to a minimum.
 - Delivery hours should be kept to non-peak hours and should consider the residential neighborhood to the west.
- The hours for the sale of alcohol are limited by State Law:

| | Proposed |
|--|--|
| Hours for the Sale of Alcohol for Off-Premises Consumption | 6:00 a.m. until 12:00 midnight, Seven days a week |

- The attached conditions ensure compliance with *Zoning Ordinance* requirements.

Trip Generation Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 210 additional vehicle trips per day over the previous use of the site.
- Based upon ITE data, the prior drive through bank on this site generated 868 weekday trips while the proposed new drug store with a drive through would be expected to generate 1,078 trips on weekdays.
- The site is near frequent bus service with Route 2 operating along Hampton Boulevard directly adjacent to the site.

V. Financial Impact

- The property owner is current on taxes.
- The redevelopment of a new commercial use on this site will generate added tax revenue.

VI. Environmental

- The proposed use should benefit the surrounding neighborhoods, offering pharmacy services not currently available in close proximity.

- The proposed development will be required to obtain Site Plan approval including landscaping and stormwater improvements.

VII. Community Outreach/Notification

- Legal notice was posted on the property December 17.
- Letters were mailed to Lamberts Point secretary on January 7.
- Notice was sent to the civic leagues by the Department of Communications on January 8.
- Letters were mailed to all property owners within 300 feet of the property on January 8.
- Legal notification was placed in The Virginian-Pilot January 9 and 16.

VIII. Coordination/Outreach

This letter has been coordinated with the Departments of Planning and Community Development, Public Works, and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
 - Sale of Alcoholic Beverages for Off-Premises Consumption
 - Drive Through
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC Off-Premise
- Survey
- Conceptual Site Plan
- Elevation
- Applications
- Letters to the Civic Leagues

Proponents and Opponents

Proponents

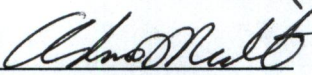
Randy Royal
Kimley Horn and Associates
501 Independence Parkway
Virginia Beach, VA 23320

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH ON PROPERTY LOCATED AT 3717 HAMPTON BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through on property located at 3717 Hampton Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 125 feet, more or less, along the western line of Hampton Boulevard and 405 feet, more or less, along the southern line of 38th Street, property also fronts 102 feet, more or less, along the eastern line of Bowdens Ferry Road; premises numbered 3717 Hampton Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) There shall be no more than one (1) drive-through lane.
- (b) The site shall be developed generally in accordance with the conceptual site plan entitled "Site and Utility Plan," prepared by Kimley-Horn and Associates, dated December 2, 2013, attached hereto, and marked as "Exhibit A", subject to any revisions that might be required by the City during the site plan review process.
- (c) Any existing, non-conforming, freestanding signs shall be removed.
- (d) During all hours of operation the establishment

operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

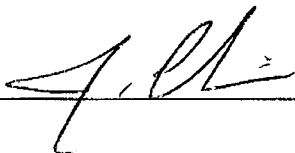
CVS - 3717 Hampton Boulevard
Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be from 6 a.m. until 12:00 midnight, seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and

binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Print Name: JASON CHINNIS

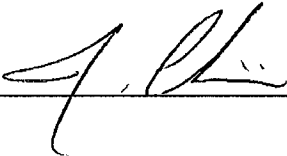
Sign: 

Date: 1-16-14

CVS - 3717 Hampton Boulevard
Commercial Drive-Through

- (a) There shall be no more than one (1) drive-through lanes.
- (b) The site shall be designed in accordance with the conceptual site plan, as prepared by "Kimley-Horn and Associates" dated December 2, 2013, attached hereto and marked as "Exhibit A".
- (c) Existing non-conforming freestanding signs shall be removed.
- (d) During all hours of operation, the facility operator shall be responsible for maintaining those portions of the public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

Print Name: JASON CHIONIS

Sign:  Date: 1-16-14

Location Map

38TH STREET

HAMPTON BOULEVARD

CVS

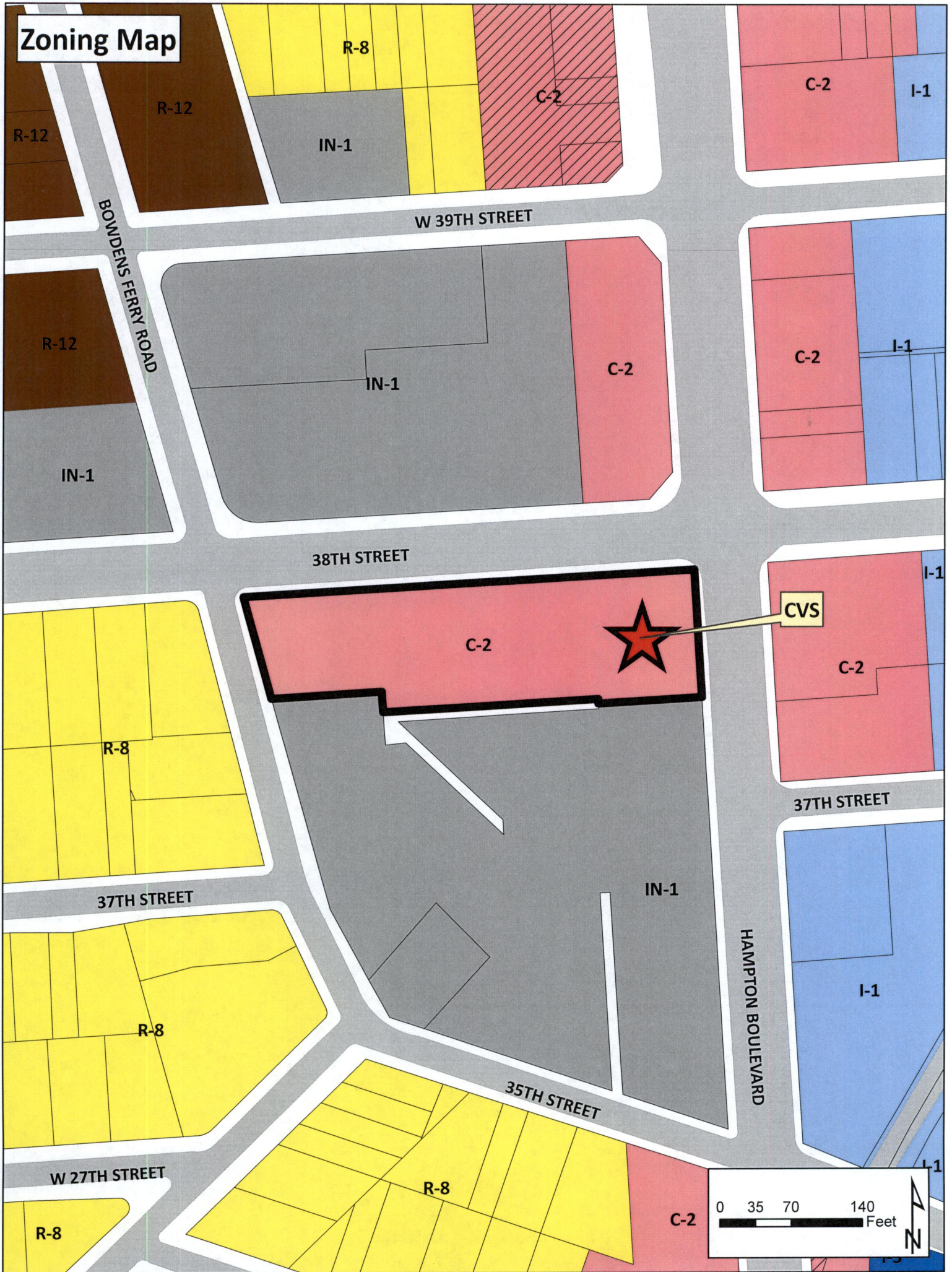


BOWDENS FERRY ROAD

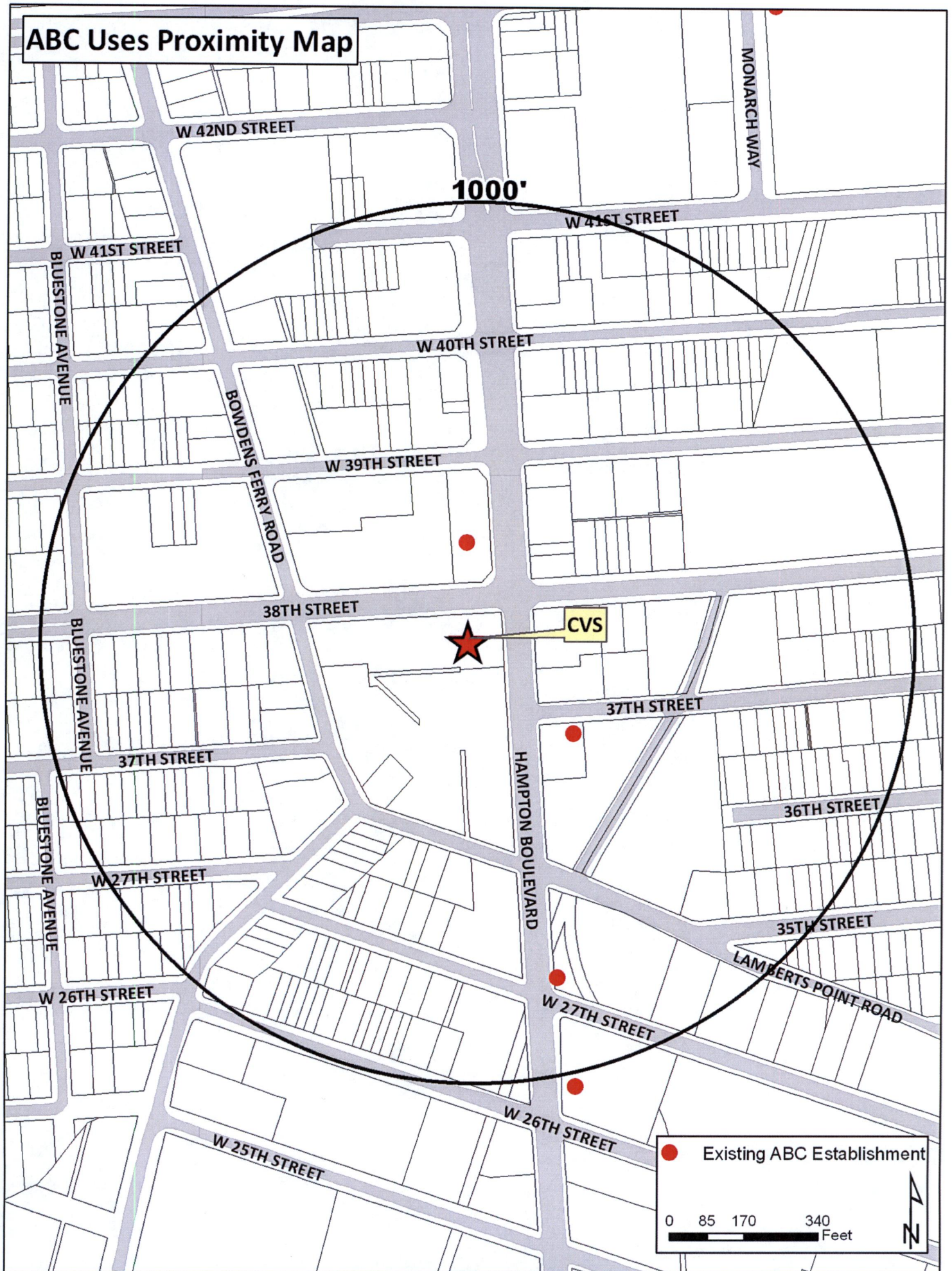
0 15 30 60 Feet

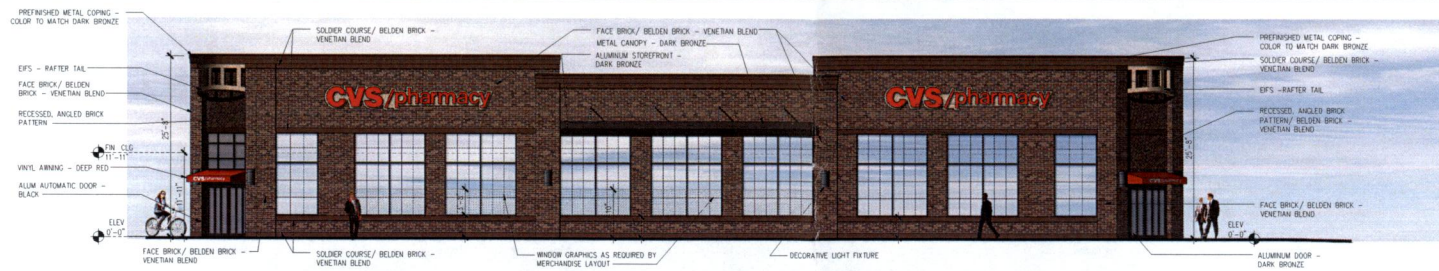


Zoning Map



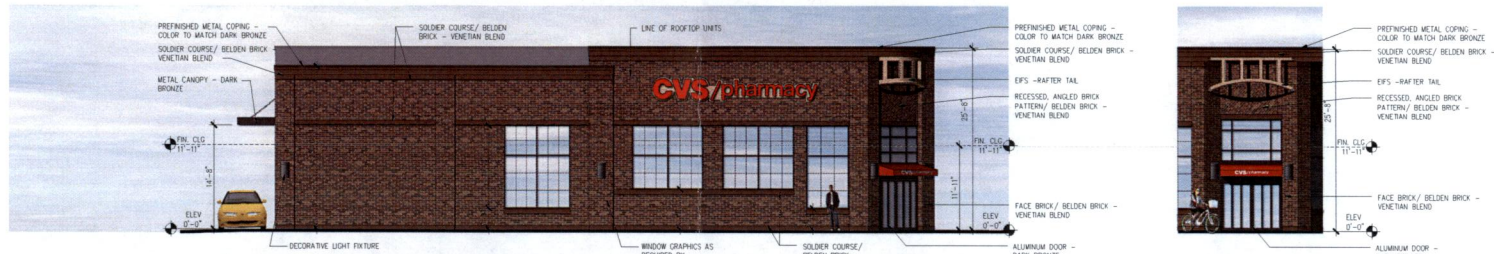
ABC Uses Proximity Map





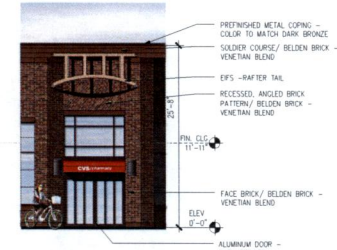
NORTH ELEVATION - WEST 38TH ST.

SCALE: 1/8" = 1'-0"



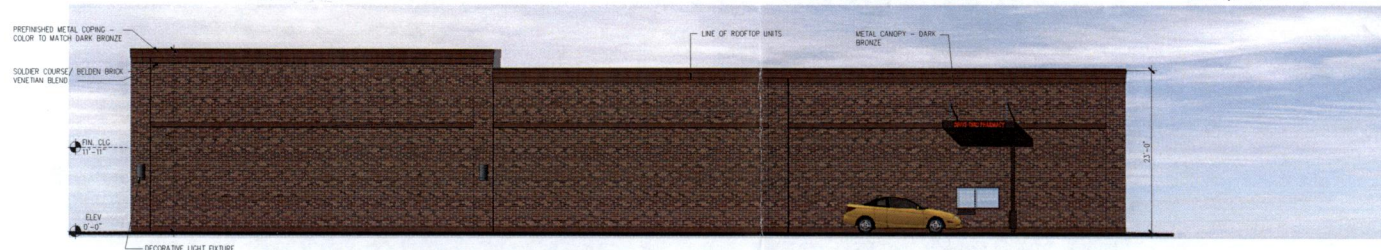
EAST ELEVATION - HAMPTON BLVD.

SCALE: 1/8" = 1'-0"



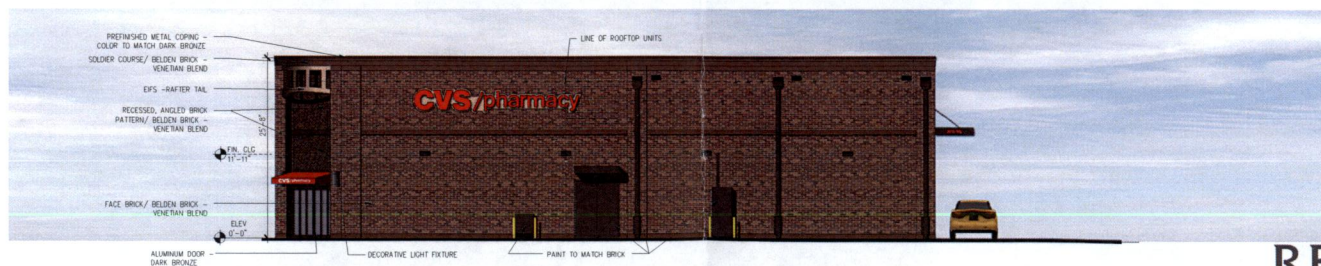
ENTRY ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"

NORR
ARCHITECTS ENGINEERS PLANNERS
719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com


REBKEE
COMPANY

CVS 10021 HAMPTON BLVD. & WEST 38TH ST. NORFOLK, VA.

CVS/pharmacy

03.20.2014

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A RETAIL GOODS ESTABLISHMENT TO OPERATE AFTER MIDNIGHT ON PROPERTY LOCATED AT 3717 HAMPTON BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a retail goods establishment after midnight on property located at 3717 Hampton Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 125 feet, more or less, along the western line of Hampton Boulevard and 405 feet, more or less, along the southern line of 38th Street, property also fronts 102 feet, more or less along the eastern line of Bowdens Ferry Road; premises numbered 3717 Hampton Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be developed generally in accordance with the conceptual site plan entitled "Site and Utility Plan," prepared by Kimley-Horn and Associates, dated December 2, 2013, attached hereto, and marked as "Exhibit A", subject to any revisions that might be required by the City during the site plan review process.
- (b) The principal building on the property shall be constructed in accordance with the exterior elevations attached hereto and marked as "Exhibit B," subject to any revisions that might be required by the City during the plan review process for building permits.

- (c) The establishment shall maintain a current, active business license at all times while in operation.
- (d) No public telephone(s) shall be permitted on the exterior of the property.
- (e) On site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties or public right-of-way.
- (f) During all hours of operation the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.
- (g) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."
- (h) On the north elevation, that portion of the windows which screen the coolers inside the building shall be either spandrel glass or sandblasted glass and shall not be covered with graphics.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare.

Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The purpose use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the City as a whole;
- (j) The proposed use and development complies with all additional imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 3:- That this ordinance shall be in effect from the

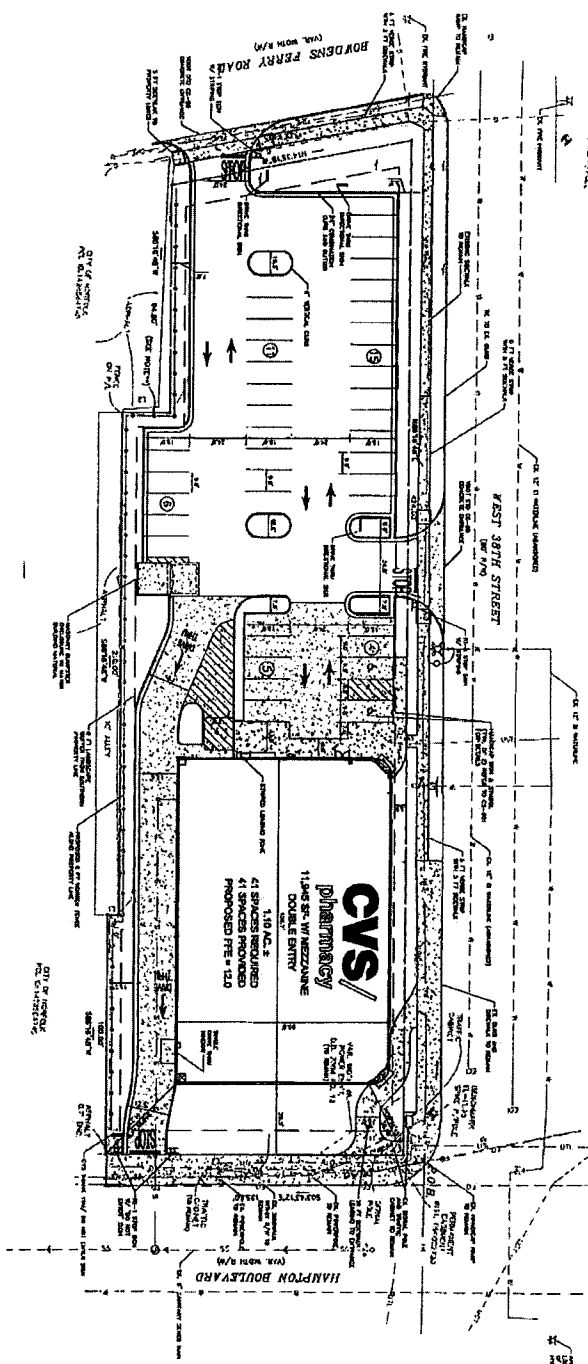
date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

Working Name: H:\VAC_CVS\133 - Hampton & 11th\CVS\133\133-101 SITE PLAN.dwg CS-101 SITE PLAN Date: 04/20/2013 3:05pm by: daniel@kimley-horn.com



| | |
|--------------|---|
| PROJECT NO. | 133-101 |
| PROJECT NAME | CVS PHARMACY |
| CLIENT | CVS PHARMACY |
| DESIGNER | KIMLEY-HORN AND ASSOCIATES, INC. |
| DATE | 04/20/2013 |
| BY | DANIEL |
| CHECKED BY | DANIEL |
| APPROVED BY | DANIEL |
| SCALE | AS SHOWN |
| NOTES | 1. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 2. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 3. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 4. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 5. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 6. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 7. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 8. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 9. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |
| | 10. SEE SITE PLAN FOR DIMENSIONS AND LOCATIONS OF ALL FEATURES. |



Kimley-Horn
and Associates, Inc.
1700 WILLOW LAWN DRIVE, SUITE 200
RICHMOND, VIRGINIA 23230

CONSULTANT:
KIMLEY-HORN AND ASSOCIATES, INC.
1700 WILLOW LAWN DRIVE, SUITE 200
RICHMOND, VIRGINIA 23230
Tel: (804) 771-1000
Fax: (804) 771-1001

SEAL:

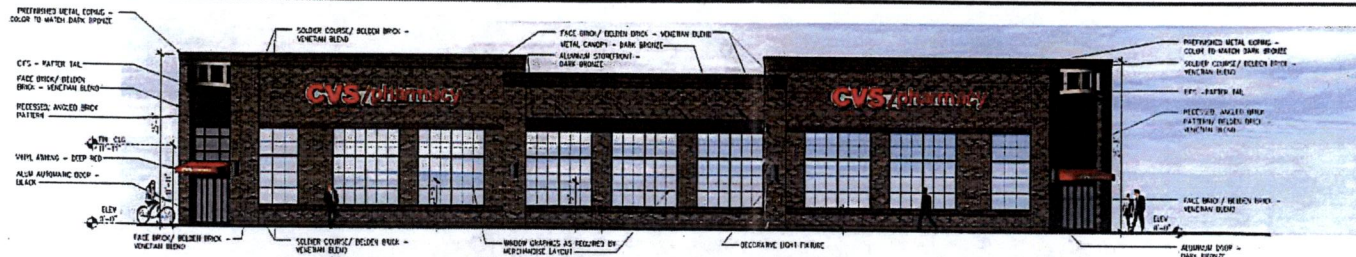
CVS/
pharmacy
11345 S.F. PROTOTYPE
STORE NUMBER: #10021

OWNER/DEVELOPER:
CVS PHARMACY
11345 S.F. PROTOTYPE
11345 S.F. PROTOTYPE
RICHMOND, VA 23230
Tel: (804) 771-1000
Fax: (804) 771-1001

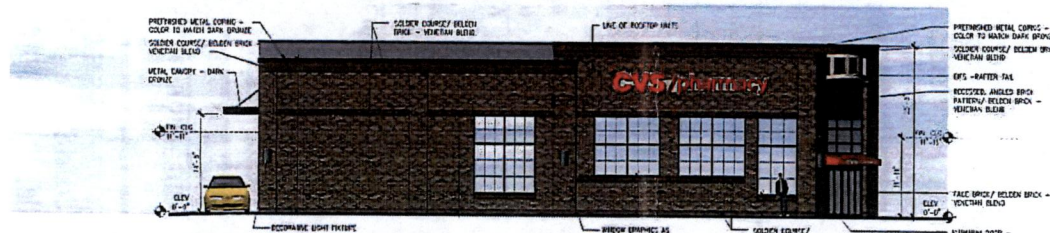
DATE:
04/20/2013

SHEET NUMBER:
CS-101

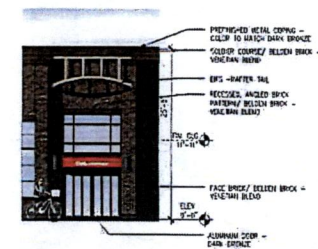
COMMENTS:



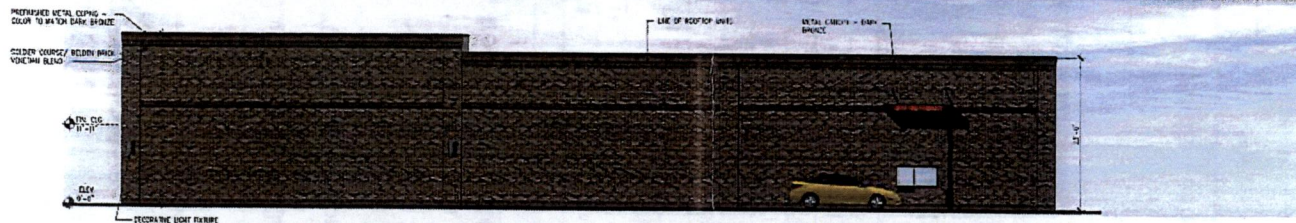
NORTH ELEVATION - WEST 38TH ST.
SCALE: 3/8" = 1'-0"



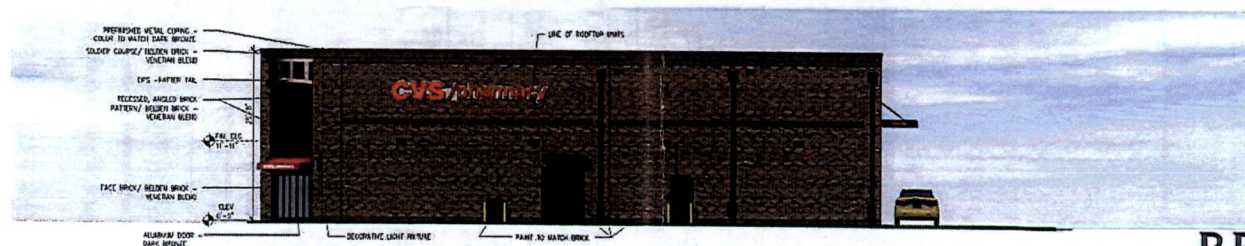
EAST ELEVATION - HAMPTON BLVD.
SCALE: 3/8" = 1'-0"



ENTRY ELEVATION
SCALE: 3/8" = 1'-0"



SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



WEST ELEVATION
SCALE: 3/8" = 1'-0"

NORR
ARCHITECTS ENGINEERS PLANNERS
719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com

REBKEE
COMPANY

CVS 10021 HAMPTON BLVD. & WEST 38TH ST. NORFOLK, VA.


CVS/pharmacy

03.20.2014

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO CVS 10021 VA, LLC AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "CVS PHARMACY" ON PROPERTY LOCATED AT 3717 HAMPTON BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to CVS 10021 VA, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "CVS Pharmacy" on property located at 3717 Hampton Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 125 feet, more or less, along the western line of Hampton Boulevard and 405 feet, more or less, along the southern line of 38th Street, property also fronts 102 feet, more or less, along the eastern line of Bowdens Ferry Road; premises numbered 3717 Hampton Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new

owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are

kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)

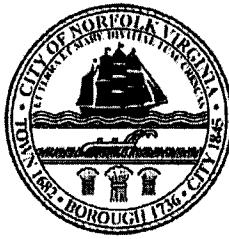


EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/5/13

Name of business: CVS/Pharmacy

Address of business: 3717 Hampton Boulevard

Name(s) of business owner(s)*: CVS 10021 VA, L.L.C.

Name(s) of property owner(s)*: CVS 10021 VA, L.L.C.

Name(s) of business manager(s)/operator(s): CVS 10021 VA, L.L.C.

Daytime telephone number (804) 672-1215

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

| <u>Facility</u> | | <u>Alcoholic Beverage Sales</u> | |
|-----------------|-------------------------------|---------------------------------|--|
| Weekday | From <u>24 Hours</u> To _____ | Weekday | From <u>6AM</u> To <u>12 Midnight</u> |
| Friday | From <u>24 Hours</u> To _____ | Friday | From <u>6 AM</u> To <u>12 Midnight</u> |
| Saturday | From <u>24 Hours</u> To _____ | Saturday | From <u>6 AM</u> To <u>12 Midnight</u> |
| Sunday | From <u>24 Hours</u> To _____ | Sunday | From <u>6 AM</u> To <u>12 Midnight</u> |

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

All alcoholic beverages will be sold in cartons and cases except for wine which will be sold by the bottle.



Signature of applicant/owner



**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: 24 Hour Store Operation

Date of application: 12/4/13

DESCRIPTION OF PROPERTY

Property location: (Street Number) 3717 (Street Name) Hampton Boulevard

Existing Use of Property Bank of America

Current Building Square Footage 5,856 SF

Proposed Use is a CVS Pharmacy with a Drive Thru

Proposed Square Footage 12,223 sf total + mezzanine (1,682 sf)

Proposed Hours of Operation:

Weekday From 24 Hours To _____

Friday From 24 Hours To _____

Saturday From 24 Hours To _____

Sunday From 24 Hours To _____

Trade Name of Business (If applicable) _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

**Application
Special Exception
Page 2**

APPLICANT/ PROPERTY OWNER

The Rebkee Company-

1. Name of applicant: (Last) Chinnis (First) Jason (MI) W

Mailing address of applicant (Street/P.O. Box): 15871 City View Drive, Suite 300

(City) Midlothian (State) VA (Zip Code) 23113

Daytime telephone number of applicant (804) 419-0746 Fax number (804) 419-0759

E-mail address of applicant: jchinnis@rebkee.com

CVS 10021 VA, L.L.C.

2. Name of property owner: (Last) _____ (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box): One CVS Drive

(City) Woonsocket (State) RI (Zip Code) 02895

Daytime telephone number of owner (443) 690-5950 Fax number (401) 652-1799

CIVIC LEAGUE INFORMATION

Civic League contact: Lamberts Point, Ellen Harvey

Date(s) contacted: 12/6/13

Ward/Super Ward information: 2

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).
-

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Jeff Bartko Sign: Jeff Bartko 12/5/13
(Property Owner or Authorized Agent Signature) (Date)

Print name: Jason W. Chinnis Sign: JCh 12/9/13
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July, 2013)



**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Drive Thru

Date of application: 12/4/13

DESCRIPTION OF PROPERTY

Property location: (Street Number) 3717 (Street Name) Hampton Boulevard

Existing Use of Property Bank of America

Current Building Square Footage 5,856 SF

Proposed Use is a CVS Pharmacy with a Drive Thru

Proposed Square Footage 12,223 sf total + mezzanine (1,682 sf)

Proposed Hours of Operation:

Weekday From 24 Hours To _____

Friday From 24 Hours To _____

Saturday From 24 Hours To _____

Sunday From 24 Hours To _____

Trade Name of Business (If applicable) _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

**Application
Special Exception
Page 2**

APPLICANT/ PROPERTY OWNER

The Rebkee Company-

1. Name of applicant: (Last) Chinnis (First) Jason (MI) W

Mailing address of applicant (Street/P.O. Box): 15871 City View Drive, Suite 300

(City) Midlothian (State) VA (Zip Code) 23113

Daytime telephone number of applicant (804) 419-0746 Fax number (804) 419-0759

E-mail address of applicant: jchinnis@rebkee.com

CVS 10021 VA, L.L.C.

2. Name of property owner: (Last) _____ (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box): One CVS Drive

(City) Woonsocket (State) RI (Zip Code) 02895

Daytime telephone number of owner (401) 690-5950 Fax number (401) 652-1799

CIVIC LEAGUE INFORMATION

Civic League contact: Lamberts Point, Ellen Harvey

Date(s) contacted: 12/6/13

Ward/Super Ward information: 2

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Application
Special Exception
Page 3

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Jeff Bartko Sign: Jeff Bartko 5 1 13
(Property Owner or Authorized Agent Signature) (Date)

Print name: Jason W. Chinn Sign: JCh 12 9 13
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 12/5/13

DESCRIPTION OF PROPERTY

Property location: (Street Number) 3717 (Street Name) Hampton Boulevard

Existing Use of Property Bank of America

Current Building Square Footage 5,856 SF

Proposed Use is a CVS Pharmacy with a Drive Thru

Proposed Building Square Footage 12,223 sf total + mezzanine (1,682 sf)

Trade Name of Business (If applicable) _____

APPLICANT/ PROPERTY OWNER

The Rebkee Company-

1. Name of applicant: (Last) Chinnis (First) Jason (MI) W

Mailing address of applicant (Street/P.O. Box): 15871 City View Dr., Suite 300

(City) Midlothian (State) VA (Zip Code) 23113

Daytime telephone number of applicant (804) 419-0746 Fax number (804) 419-0759

E-mail address of applicant: jchinnis@rebkee.com

CVS 10021 VA, L.L.C.

2. Name of property owner: (Last) _____ (First) _____ (MI) _____ (

Mailing address of property owner (Street/P.O. box): One CVS Drive

(City) Woonsocket (State) RI (Zip Code) 02895

Daytime telephone number of owner (401) 690-5950 Fax number (401) 652-1799

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: Lamberts Point, Ellen Harvey

Date(s) contacted: 12/6/13

Ward/Super Ward information: 2

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Jeff Bartko Sign: Jeff Bartko 12/5/13
(Property Owner or Authorized Agent Signature) (Date)

Print name: Jason W. Chynis Sign: J Chynis 12/9/13
(Applicant or Authorized Agent Signature) (Date)

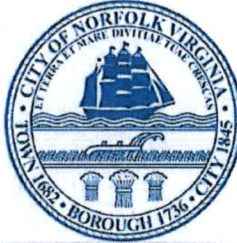


EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/5/13

Name of business: CVS/Pharmacy

Address of business: 3717 Hampton Boulevard

Name(s) of business owner(s)*: CVS 10021 VA, L.L.C.

Name(s) of property owner(s)*: CVS 10021 VA, L.L.C.

Name(s) of business manager(s)/operator(s): CVS 10021 VA, L.L.C.

Daytime telephone number (⁸⁰⁴): 672-1215

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

| <u>Facility</u> | | <u>Alcoholic Beverage Sales</u> | |
|-----------------|-------------------------------|---------------------------------|--|
| Weekday | From <u>24 Hours</u> To _____ | Weekday | From <u>6AM</u> To <u>12 Midnight</u> |
| Friday | From <u>24 Hours</u> To _____ | Friday | From <u>6 AM</u> To <u>12 Midnight</u> |
| Saturday | From <u>24 Hours</u> To _____ | Saturday | From <u>6 AM</u> To <u>12 Midnight</u> |
| Sunday | From <u>24 Hours</u> To _____ | Sunday | From <u>6 AM</u> To <u>12 Midnight</u> |

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

All alcoholic beverages will be sold in cartons and cases except for wine which will be sold by the bottle.

A handwritten signature in black ink, appearing to read "J. Ali", written over a horizontal line.

Signature of applicant/owner



City of NORFOLK

January 7, 2014

Mrs. Lorinda Hawkins
Secretary, Lamberts Point Civic League
1300 W 25th Street
Norfolk, VA 23508

Dear Mrs. Hawkins:

The Planning Department has received Special Exception applications for the Sale of Alcoholic Beverages for Off-premises Consumption, a Commercial Drive-Through and a Retail Goods Establishment operating after midnight on property located at 3717 Hampton Boulevard. These requests are tentatively scheduled for the January 23, 2014, City Planning Commission public hearing.

Summary

These requests, if approved, would allow a 24-hour CVS Pharmacy selling beer and wine for off-premises consumption. No single servings will be allowed.

The proposed hours of operation and for the sale of alcohol are:

| | Proposed |
|---|---|
| Hours of Operation for Establishment and Drive-Through | 24 Hours Seven days a week |
| Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption | 6:00 a.m. until 12:00 midnight Seven days a week |

If you would like additional information on the request, you may contact the applicant, Jason Chinnis, at (804) 419-0746 or you may telephone Ashton Jones at (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,

George M. Homewood, AICP, CFM
Assistant Planning Director

cc: Vanessa Seals, Senior Neighborhood Development Specialist
Vanessa.Seals@norfolk.gov